

PS5884.01 GOOD CONDUCT TIME CREDITS UNDER THE PLRA



Program Statement

OPI: CPD
NUMBER: 5884.01
DATE: 9/29/97
SUBJECT: Good Conduct Time Under the
Prison Litigation Reform Act

Effective Date: 11/3/97

1. PURPOSE AND SCOPE. To implement provisions of the Prison Litigation Reform Act of 1995 (PLRA) for the awarding of good conduct time (GCT).

2. PROGRAM OBJECTIVE. The expected result of this program is:

Good conduct time for inmates sentenced under the Prison Litigation Reform Act will be awarded in accordance with 18 U.S.C. § 3624 (b) and 28 CFR § 523.20.

3. DIRECTIVES AFFECTED

a. Directives Referenced

PS 5270.07	Inmate Discipline and Special Housing Units (12/29/87)
PS 5350.25	Literacy Program (GED Standard) (9/29/97)
PS 5880.28	Sentence Computation Manual (CCCA of 1984) (2/21/92)

b. The rule cited in this Program Statement is contained in 28 CFR 523.20.

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4094

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1F-08

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1E-05

d. American Correctional Association Standards for Adult

Correctional Boot Camp Programs: 1-ABC-1E-09

[Bracketed Bold - Rule]

Regular Type - Implementing Information

5. [GOOD CONDUCT TIME § 523.20. Pursuant to 18 U.S.C. 3624(b), as in effect for offenses committed on or after November 1, 1987 but before April 26, 1996, an inmate earns 54 days credit toward service of sentence (good conduct time credit) for each year served. This amount is prorated when the time served by the inmate for the sentence during the year is less than a full year. The amount to be awarded is also subject to disciplinary disallowance (see Tables 3 through 6 in § 541.13 of this chapter). Pursuant to 18 U.S.C. 3624(b), as in effect for offenses committed on or after April 26, 1996, the Bureau shall consider whether the inmate has earned, or is making satisfactory progress (see § 544.73(b) of this chapter) toward earning a General Educational Development (GED) credential before awarding good conduct time credit.]

§ 541.13 refers to the Program Statement on Inmate Discipline and Special Housing Units. § 544.73(b) refers to the Program Statement on Literacy Program (GED Standard).

[a. When considering good conduct time for an inmate serving a sentence for an offense committed on or after April 26, 1996, the Bureau shall award:

(1) 54 days credit for each year served (prorated when the time served for the sentence during the year is less than a full year) if the inmate has earned or is making satisfactory progress toward earning a GED credential or high school diploma, or

(2) 42 days credit for each year served (prorated when the time served by the inmate for the sentence during the year is less than a full year) if the inmate has not earned or is not making satisfactory progress toward earning a GED credential or high school diploma.

b. The amount of good conduct time awarded for the year is also subject to disciplinary disallowance (see Tables 3 through 6 in § 541.13 of this chapter).]

§ 541.13 refers to the Program Statement on Inmate Discipline and Special Housing Units.

6. AWARDING GCT

a. Pursuant to the PLRA, in awarding GCT credit, the Bureau shall consider whether the inmate, during the relevant period, has earned, or is making satisfactory progress toward earning, a

high school diploma or equivalent degree. This rule provides that an inmate subject to the PLRA shall earn up to the full 54 days credit for GCT (prorated for a partial year at the end of the sentence) if the inmate has earned or is making **satisfactory progress** toward earning a GED credential.

The rule further provides that an inmate subject to the PLRA shall earn up to 42 days credit for GCT per year (prorated for a partial year at the end of the sentence) if the inmate has not earned or is not making **satisfactory progress** toward earning a GED credential.

The amount of GCT earned is also subject to disciplinary forfeiture or disallowance.

b. It is the Education Department within each institution that makes the determination as to **satisfactory progress** (see the Program Statement on Literacy Program (GED Standard) and 28 CFR § 544.73(b)).

c. A PLRA inmate shall earn GCT at the annual rate of 54 days (prorated for a partial year at the end of the sentence) unless and until the inmate receives a **GED UNSAT** (unsatisfactory progress) assignment at which time the annual rate shall be reduced to 42 days. If the inmate is returned to a **GED SAT** (satisfactory progress) assignment, the annual rate of GCT shall return to 54 days.

d. The Education Department enters into SENTRY the appropriate Education Information (EDI) assignment for each inmate. When an EDI assignment of **GED UNSAT** (unsatisfactory progress) is entered into SENTRY, Inmate Systems Management (ISM) staff shall recalculate (RPC) the computation. SENTRY will automatically change the annual GCT rate from 54 days to 42 days. This same process applies should an inmate return to a **GED SAT** (satisfactory progress) assignment.

7. ASSISTANCE. Questions concerning this program statement may be referred to the Central Office ISM Branch at FTS (700) 367-3050 or (202) 307-3050.

/S/

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Director